App. F. IX-4

193 5.
(Law)

File No. 230-

Serial Nos. 4, 5

Previous Referenees
Law 71-30-1-16
" 230-35-1-3
R M. 15-27-1-10, 13-14
Letter References L.R. 250-29-3

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5

Part B for Oct to 1938

SUBJECT.

R A 45/35-6 on the file of the High court (In. Krishnachari's

Appeal allowed with costs (vide 8-8)

WD 0295—GPB—22,500—18-8-37

Serial No.

From

The Rev: Commr

Letter no. C. 1082/35-36, dy 18th Oct: 36 forwarding a copy of States that further action in the matter to procure Costs will be taken as soon as the appeal preferred by Krishnachar is disposed of.

1) Subd for perusal.

26/10

2) At what stage is the appeal now?

pne
26/10

3) Subd. Law file 230-35 Sls 1-3 relating to the appeal is put up from which it is not possible to find out the stage of the appeal in which the appeal is pending. A dft to G.A. enquiring about the same put up for approval & orders.

30/10

4) Issue & submit fr Approval

30-10-36.

To

The G.A.

No. P. 2856, dy 2-10-36

enquiring at what stage is the appeal now

TYPING SECTION 30 OCT. 1936 GENL & REV. SECT

WD 0417—GPB—30,000—8-9-36

2815 (V

Law File No. 71 of 193 0. | General and Revenue Secretariat

Serial No.

~~Subscription~~

From

The Govt Advocate

Letter no 339, dt. 10-11-36

States that the appeal has not yet come up for hearing.

5) Subd for perusal.

16/11

6) In view of the Public Prosecutor's letter dated 14.8.36, that a sum of Rs 200/- have been withheld from the insurance amount due to Mr. Krishnaeelan and that this sum is more than sufficient to cover the probable amount of costs due from Mr. Krishnaeelan, further action to recover the costs due to Government may be taken after the appeal before the High Court is disposed off.

(Gen Secy) BKR 16.11.36.

7) Put up 18/11.

BKR 18.11.36

GENERAL SECRETARY 16 NOV. 1936 330

Sec 18-11-36

8) Subd with a dft. for approval.

9/3

Sec BKR 9.3.37

PC Colombo further proceedings MOR 14.2.37

MO Pl 5449, dt 12-3-37

Sec 11/ 12-3-37

TYPING SECTION

K. A. 457/31-36 H.Ct 1065 (3

(K. Krishnamachar to Ch: Secy.)

General and Revenue Secretariat | Law File No. 280 of 1934. | [App. F. III—2

Serial No.

From

The Govt Advocate

Letter no. 117, dated 13-8-37

Requests for certain G. O. & Files asked Down

10) The Govt Advocate requests for the following files :—

(1) File leading to G. O. no 3898-9 ordering among other things the Retirement of Krishna (R. M. 15-27 Sls 1-10, 13-14.)

(2) File relating to notice of Suit issued to the Chief Secy (L.R. 250-29 Sl 3)

(3) File re: introduction of the Rep! VII of

11) The first two are obtained from the records, and as for the third it has been ~~forwarded~~ submitted to the Dewan. The Dewan's office was requested to put up the same. They expressed their inability to do so.

12) A draft forwarding the ~~available~~ available files (items 1 & 2) is put up for approval After issue the Dewan's office will again be requested in the matter.

13) Issue
BNR
14.8

14/8

15 I Aug: 37

Issued vide P. 949, dt 14-8-37

NOTE—Contn. Sheet.

WD 0417--GPB—30,000 - 8-9-36

R. P. 48/35-36 H. Ct.
(R Vishwanathan vs Ch: Secy,)

File No. Law 280	of 1936	General and Revenue Secretariat
		Serial No.

14) Dewan's office for favour of putting up the file re: the introduction of Regulation VII of 1923. Sent with a dialy No. 8-32 P, dated on 14-8-37.

14/8

15) The file is forwarding with the reference. Shall obtain it on his return 2 Sundays

14/8

16) Submitted for perusal.

12) BKR 16.8

Sd C 16-8-37

From

The Govt Advocate

D.O. letter no 147, dated 24-8-37 states that he filed an application on behalf of the Govt requesting the High Court to Rer the case for the purpose of granting them an opportunity to finish the examination of Mr. Sesha jirao, and that this prayer was granted

18) The Govt Advocate reports a P.U.D. that he filed an application on behalf of Govt requesting the High Court to remand the case to the Dist Court, Mysore, for the purpose of

Serial No.

Completing the examination of Mr Sreeyer Rao whose evidence was incomplete and could not be looked looked at all. The High Court is said to have granted this request with a condition that Govt shall bear all the expenditure to be incurred in completing the evidence required. It is stated that the District Judge has been directed to record the evidence of Mr Sehagiri Rao and send it back by the 20th oct: '37. The Govt Advocate says that he has applied for a copy of the order passed which will be sent as soon as it is received.

Submitted for perusal

27/8

BMR 27.8

Gen Secy 1/9.

BMR 1.9

First Member

1-9) The action taken all right

2/9

2/9.

BMR 2.9

GENERAL SECRETARY.
27 AUG. 1937
1280

OFFICE OF THE FIRST MEMBER OF COUNCIL
SEP 1 1937
No. 795

R. A. 45/352 36 A. Ct. 13817
(M. Krishnachar vs Govt)

Law File No. 230 of 1935

General and Revenue Secretariat

From

The Govt Advocate.

Letter no. 1159 dt 27-8-37

forwards a copy of the order Remand passed in the Case. 20) the copy of the order is submitted for perusal

GENERAL SECRETARY.
4 SEP 1937
1436

Letter no 328.

States H. C. Mr D. Seshagiri Rao, Principal Police Training School Bangalore has written to say that his examination may be deferred till November next, and that the Court has fixed 2-10-37 for his exa

21) The P. H. Shimoga reports that Mr D. Seshagiri Rao, Principal, Police Training School, Bangalore has asked for time till November to allow himself to be examined as a witness as per the order of Remand of the High Court. The Court is said to have

R. A. 457/35-36 4-Ct 1669

(M. Krishnachar to Govt.)

(7)

General and Revenue Secretariat

File No. Law 230 of 1935. [App. F. III—

Serial No.

fixed 2-10-37 for the Commencement of his Examination.

Submitted for perusal.

BKR 17.9.37)

17/9

Sub C 17-9-37

From

The P. A.

Mysore.

Letter no. 342, dated 14th Sept'37

Requests that a sum of Rs 20/= may be directed to be sent to his office in order to deposit batta for securing attendance of the witness.

Hg da 2nd Oct 37

22) Submitted with a draft G.O. Sanctio for orders.

21/9

23) May be approved

BKR 21.9.37

GENERAL SECRETARY. 21 SEP. 1937 1674

TYPING SECTION 1. SEP. 1937 GENL.

sn. Secy) Now Ng

24) Done

BKR 21.9

G.O. no. P. 1650-39 21-9-37

Sub C 25-9-37

NOTE—Contn. Sheets

WD 0284—GPB—30,000—13-8-37

R.A. 45/35-6 on the file of the Hon'ble
(Mr. Krishnachar vs Govt)

Law File No. 230 of 193 S. — General and Revenue Secretariat

From

the G. A. Letter No. 668 dt. 10-3-38
for a copy of the judgment
passed in the case and proper
the revision of the Security Bond
Form prescribed under the Land Rev.
Rules.

2) This is an appeal filed by Mr. Krishnachar
Patel Head Shroff, Mysore Distt Treasury,
against the judgment passed by the Mysore
Dt. Judge in O.S. 8/30-31 - dismissing
the Suit of the appellant for
a declaration that the order
of Govt. directing recovery of Rs. 1000/-
from the security amount was
illegal. The appeal has been
allowed on the ground that
there has been a breach of contract.
The judgment & the letter of the
G.A. are for perusal.

2b) The revision of the bond form
proposed by the G.A. is a matter
for the Rev Br to take up
and dispose of. The receipt will
be transferred to that Br after
perusal.

12/3/38 Gen. Secy)

MW 14/3 DKR 12-3-38

DKR 14-3

MW 14/3 DKR 16-3

First Member) JPR 18/3

DKR 18-3

FIRST MEMBER OF COUNCIL
MAR 16 1938
6188

CHIEF SECRETARY
14 MAR 1938
GOVT. OF MYSORE

R. A. 45/35-6 Part I
(M. Krishnachar Vs Govt) 5310/P

General and Revenue Secretariat | Law File No. 230 of 1935. | [App. F. III—2

Serial No.

For orders as to whether the Rev Commr may be written to for payment of the decretal amount, before the party takes execution proceedings.

58

As the Dy Commr has already been informed about the decree against Govt & about the prohibitory notice served on Govt, it is perhaps unnecessary to write to the Rev Commr

BKR
19.3.

Reference para 26.

Revenue Branch for favour of taking P. V. D. for taking necessary further action and returning the file.

32444/R

M.V.R.

B
21/3

BKR
21-3

Copy of the High Court judgment and letter no 668 of 10.3.38 from the Govt Advocate retained in the Revenue Branch and the file

B
3.3.38

To the Protection Branch.

B/17-10-38

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-9-37

1839 3786 937

In reply please refer to
No. ..... Nil.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, ...22nd December.... *193* 7.

Law 230-35-8

From

The Government Advocate

in Mysore, BANGALORE.

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

Sir,

In continuation of my letter No. 159 dated the 28th August 1937, I have the honor to state that Regular Appeal No. 45 of 1935-36 on the file of the High Court of Mysore, (M.Krisnnachar VS. The Chief Secretary to Govt.) came on for hearing after remand on the 10th, 13th and 14th instant and that after hearing arguments on those days - Judgment was pronounced on the last day, allowing the Appea with costs.

2. A copy of the Judgment has been applied for and the same will be sent to you as soon as it is received in this office.

3. The marginally noted two Secretariat Files - received with your letter No. P.949 dated 14th August 1937, for reference in this connection, are herewith returned.

(1) File No.R.M.15-27/Sls. 1-10, 13-14.
(2) File No. L.R.250-29/Sl. 3.

For perusal
(Refer H.M. in Law 230-35)

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

No. C.1082/35-36.

Revenue

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

Dated Bangalore, 18th October *193*

FROM

K.V.Anantaraman, Esq., B.A.,
Revenue Commissioner in Mysore.

To M.Venkatesa Iyengar, Esq., M.A.,
The Secretary to the Government
of His Highness the Maharaja of Mysore,
General Department, *Bangalore.*

GENERAL SECRETARY.
21 OCT. 1935

Subject:- O.S. 8/30-31 on the file of the District Jud
Mysore, (M.Krishnachar Vs. Chief Secretary).

SIR,

With reference to your letter No.P.1465-Law 71-30-16 dated 27th/29th August 1935 regarding the recovery of costs due to Gover ment under the decree I have the honour to forward herewith for information a copy of letter No.C3.1750/35-36 dated 18th August 19 from the Deputy Commissioner, Mysore District, together with a cop of its enclosure, reporting among other things that further action in the matter will be taken as soon as the appeal preferred by Krishnachar in the High Court is disposed of.

I have the honour to be,
Sir,
Your most obedient servant,

K.V. Chandrasekhar
Revenue Commissioner.

RLN.

Letter No.C3.1750/35-36 dated 18th August 1936 from the Deputy Commissioner, Mysore District, to the Revenue Commissioner in Mysore, Bangalore.

*****

With reference to your No.C.1082/35-36 dated 6th August 1936 requesting to intimate in what stage the matter of recovery of Court costs from M.Krishnachar in O.S.No.8/30-31 on the file of the District Judge, Mysore, now stands, I have the honour to forward herewith for favour of perusal copy of letter dated 14th instant, received from the Public Prosecutor, Mysore, furnishing full information in the matter.

Further action will be taken as soon as the appeal preferred by Krishnachar is disposed of in the High Court.

Enclosure to the above:

Letter No.211 dated 14th August 1936 from the Public Prosecutor, Mysore Division, Mysore, to the Deputy Commissioner, Mysore District.

With reference to your letter No.C3.1750/35 dated the 10th instant asking to send a reply to the Revenue Commissioner's -- letter No.C.1082 of 35-36 dated 4th August 1936 regarding the recovery of costs due from Mr. M. Krishnachar,Plaintiff in O.S. 8 of 30-31 on the file of the District Judge, Mysore, I have the honour to state that Ex-No.40 of 35-36 had been filed and the same was dismissed on 27th March 1936 for want of Schedule of movables sought to be attached.

Mr. Krishnachar has filed an appeal against the decree of the District Court. Pending disposal of the appeal, Mr.Krishnachar presented a petition to your office on 18th April 1936 in which he requested that a sum of Rs.200/- from his Insurance -- amount may be with-held and the balance paid to him. On your recommendation a sum of Rs.200/- has accordingly been withheld by the Mysore State Life Insurance Committee. As this sum of of money namely Rs.200/- is more than sufficient to cover the probable amount of Court costs due from Mr. Krishnachar, execution

execution proceedings have not been renewed

The letter received from the Revenue Commissioner is herewith returned.

"Copies"

for Revenue Commissioner.

RLN.18/10.

1065 P&S 1937 (15)

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

In reply please refer to
No. 117

Bangalore, ...13th.....August..... *1937.*

URGENT.

Dear Sir,

GENERAL SECRETARY. 13 AUG. 1937

Re: Regular Appeal No. 45 of 1935-36 on the file of the High Court of Mysore, (M. Krishnachar - Plaintiff, -VS- The Chief Secretary to Government).

I write to state that the above appeal (Vide your letter No. P.140/'U'-230-35-2 dated the 3rd July 1936) is coming on for hearing on Monday the 16th instant. As the marginally noted Secretariat files are required for reference in this connection may I request you to kindly arrange to send them to me - immediately and oblige.

(1) File leading to G.O.No.R.3898-9/R.M. 38-28-3 dated 9/10-11-1928, ordering the retirement of the Plaintiff - Krishnachar from service.	3) File re: Introduction of the Regn. VII of 1923 and to provide for Suits against - Government.
(2) File relating to the Notice of suit under Sec.80, C.P.C., served on the Chief Secretary to Govt. on 2-1-1930.	

Yours sincerely,
Mysore Narasappa

Venkatesa Iyengar, Esq., M.A.,
General Secretary to Government,
BANGALORE

Immediate.

D. O. No. P949

Race. Cur. Fees

GENERAL AND REVENUE SECRETARIAT

Dated, Bangalore, 14 - 8 - 1937.

Dear Sir,

R.A.45/35~~3~~6 on the file of the High Court
(M.Krishnamachar VS.Chief Secretary)

I am desired to forward herewith for your reference in the above case the following Secretariat files as required in your D.O.letter No.117/ dated 13th August 1937 :-

(1) R.M.15-27 Sl.. ..., ..-14.

(2) L.R.250-29 Sl.3.

As regards the file re: the introduction of the Regulation VII of 1923 I am to state that it is not readily available. The same will be sent as soon as it is available.

Yours sincerely,

BKR

To

Mirle N.Lakshminaranappa, Esq, B.A., LL.B.,
Government Advocate,
Bangalore.

Appendix F G—1]

Immediate

SUBJECT .....

.....

.....

Section Law

File No. H-30

Serial No.

Diary No. of letter replied to D. O. No. P949 R. A. 457/35-36 on the file of the Secy. to the Govt. Legislative Dept. (M. Krishnamachar To V. Ch: Secy.)

Dear Sir,

I am desired to forward herewith (for your reference in the above case) the following Secretariat files as required in your D. O. letter No. 117/, dated 13-8-37:—

General and Revenue Secretariat

( )

the *193*

Date of issue 16.8.37

Signed by Mr. BKR.

(1) R. M. 15-27 Sls 1-10, 13-14.

(2) L. R. 250-29 Sl 3.

As regards the file re: the introduction of the Reg: VII of 1923 I am to state that it is not readily available. A the same will be sent as soon as it is obtained available.

of enclosures.....

Yours Sincerely

BKR

Copied by .....

Examined by.....

To

Mirza N. P[illegible]

In reply please refer to
No. 11.7

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, ...24th.....August..... *1937*

Law 2:

Dear Sir,

GENERAL SECRETARY.
26 AUG. 1937

With reference to correspondence ending with your D.O. letter No. P.949 dated the 14th August 1937, I write to state that Regular Appeal No. 45 of 1935-36 on the file of the High Court of Mysore, (Krishnachar - Appellant-Plaintiff VERSUS. Government - Respondent-Defendant) was argued on the 19th, 20th and 23rd August 1937. The Appellant closed his arguments and on behalf of the Respondent (Government) I argued it in part.

2. This appeal is against the Judgment and Decree of the District Judge, Mysore, dismissing the suit brought by the Plaintiff Krishnachar who was formerly the Head-shroff at the District Treasury, Mysore, against the Defendant (Govt for a declaration that the forfeiture effected by the Government in respect of the security amount fallen due under the bond executed by the Plaintiff before he entered on his duties as Head Shroff of the Mysore District Treasury was not valid, that there was no justification for the Government to have forfeited the amount and as consequential upon this declaration for the refund of the amount to him.

3. One of the pleas on behalf of the Government was that the amount was rightly forfeited as the negligence if not fraud of the Plaintiff occasioned the defalcation in the - Mysore Taluk Treasury to the extent of more than Rs.13,000/-.

4. The learned District Judge on this question, decided against the Government. He held that no doubt the defalcation in the Taluk Treasury occurred, but the Plaintiff had nothing to do with it.

Regarding the claim of the Plaintiff being entitled to a declaration that the forfeiture effected in pursuance of the order of Government was wrong the learned Judge held that the suit was not maintainable as such relief was not one of those contemplated under Regulation No. VII of 1923.-

6. Mr. D. Seshagiri Rao, now the Principal of the Police Training School, was examined in part on 11th July 1933 in the case when it was pending in the Court of trial. He was the most important witness in the case to connect the Plaintiff with the defalcation. It was he that - investigated the whole matter prior to the prosecution being launched against the Taluk Treasury Officials.

7. His examination on the date mentioned above could not be finished for want of time. It stood over for the next day, when also his examination could not be finished as he was reported to have had fever on. The learned Public Prosecutor pressed for his examination on one subsequent date or hearing. But some how or other by the time the case came for argument this witness's examination stood where it originally was, not being - continued or finished. This perhaps led to the finding against the Government on the question if not of the Plaintiff's active participation at least of his having given room the defalcation by the Treasury Officials. by his - negligence.

8. I thought his examination was vital - that was also apparently the opinion of the learned Public Prosecutor till at least a particular stage was reached in the trial. Some step had to be taken for completing his evidence. I have had no time to seek definite instructions from the Government as to what to do. In the circumstances taking

(Continued)

(3).

taking the responsibility on myself. I filed an application on behalf of the Government requesting the High Court to remand the case for the purpose of granting them an opportunity to finish the examination of Mr. Seshagiri Rao as the interests of Justice in the circumstances, required that his evidence should be completed so as to enable the Court to appreciate the modus operandi in respect of this defalcation and how the Plaintiff contributed to it.

9. The learned Jusges were pleased to grant my request and remanded the case to the District Court, Mysore, for the purpose of completing the examination of Mr. Seshagiri Rao. The learned District Judge was directed to record his evidence and send it back before the 20th of October 1937. But one condition was added to the order. Since it was on account of the laches on the part of the defendant (Government) that his examination could not be finished while the case was pending in the Lower Court, the Government were ordered to bear all the expenditure to be incurred by them in completing his evidence and this was irrespective of the eventual success of the Government in the case.

10. If I may say so, with respect, I think the order regarding the costs was eminently just in the circumstances of the case. The application had to be made in some peculiar circumstances to fill in a void which had occured, because the evidence of Mr. Seshagiri Rao which was incomplete could not be looked at all, and that created a very wide gap in the line of the defence. There was no option for me but to submit to this order for costs, which was comparatively a minor matter in view of the kindness of the High Court in granting an application during the pendency of the appeal,

taking evidence which had to be adduced at a very much earlier stage, when the case was pending in the Court of trial.

11. I have applied for a copy of the order of the High Court and I shall send it to you as soon as it is received. - I have also written to the Public Prosecutor, Mysore Dn. and to Mr. Seshagiri Rao, the witness, this day, acquainting them with the situation.

Yours sincerely.

/ Narasimhaiah

Venkatesa Iyengar, Esq., M.A.,
General Secretary to Government,
Bangalore.

GOVERNMENT ADVOCATE'S CHAMBERS,

PUBLIC OFFICES,

Bangalore, 27th August ...1937

28/8/37

GENERAL SECRETARY.
28 AUG. 1937

Dear Si

In continuation of my D. O. letter No.147 dated the 26th August 1937, I am forwarding herewith for the information of Govt., a copy of the Order of Remand passed in R. A. No. 45 of 1935-36 on the file of the High Cour of Mysore, (M.Krishnachar VS. The Government of Mysore).

Yours sincerely,

Narasappa

Sir,
The connected file has been submitted to the Genl. Secy. on 27-8-37. This will be put up with it after its return

31/8

31.8

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to Government,
BANGALORE.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Monday, the 23rd day of August 1937.

PRESENT

RAJADHARMAPRASAKTA
MR. K. SHANKARANARAYANA RAO, OFFICIATING CHIEF JUSTICE,

and

MR. JUSTICE T. SINGARAVELU MUDALIAR.

Regular Appeal No. 45 of 1935-36.
with Appln. to adduce additional evidence

M. Krishna Char .. Plaintiff .. APPELLANT

(By Mr. H. V. Narayana Rao)

-VS-

The Government of His Highness the Maharaja of Mysore by the Chief Secretary, Bangalore. } Defendant .. RESPONDENT

(By Mr. Mirle N. Lakshminaranappa, Government Advocate).

Regular Appeal against the decree of the District Judge of Mysore in Original Suit No. 8 of 1930-31.

This appeal coming on for final hearing this day, the Court delivered the following:-

JUDGMENT.

The case was fully argued on behalf of the - Appellant - Plaintiff and has also been argued in part on behalf of the Respondent. At this stage the learned Government Advocate has filed an application under Order XLI, Rule 27, Code of Civil Procedure, praying that a

that a witness, Mr. D. Seshagiri Rao. who has been examined in part in this case on the 11th July 1933, may be ordered to be examined in full in the interes of justice on the ground that his evidence is likely to furnish important materials having a bearing on the points involved in the case.

It is very unfortunate that the Respondent closed his case before the lower Court without pressing the above prayer at the proper time. The records. however. make it clear that D.W.2 was examined only in part and that the Public Prosecutor who conducted the case on behalf of the Respondent intended to examine this witness further. Indeed, on several of the subsequent dates of hearing. the Public Prosecutor represented that he intended to further examine this witness, who, unfortunately, was unable to attend either because he was ill or because he was absent from the station. At any rate, it is abundantly clear that the Public Prosecutor did intend to examine this witness further. because he considered that his evidence would be useful and necessary. But before the witness could be examined, the records of this case appear to have been called for by this Court and were, after some time, sent to the Court of the City Magistrate, and the case could not, therefore, proceed before the lower Court for over a year. Eventually, the records were received back by the lower Court and the case thereafter came on for hearing on the 13th May 1935. Somehow, the question of further examination of Mr. D. Seshagiri Rao appear to have been lost sight of and was not insisted upon:

as to how and why it so happened we dark. However, having regard to the fact that the Public Prosecutor considered it necessary to examine this witness further and to the fact that his examination is obviously incomplete, we do not see why the application for permission to complete the examination of Mr. D. Seshagiri Rao should not be granted. As the evidence stands at present we cannot make anything out of the very large number of documents exhibited and it is not unlikely they were put in with a view to enable Mr. D. Seshagiri Rao, who was the Officer that conducted the investigation in the criminal case that preceded this suit, to throw some light on the points in issue. At the same time, we want to make it clear, in view of the fact that the matter was not pressed before the learned District Judge after the records had been returned to that Court, that all expenses to be incurred hereafter towards the further examination of Mr. D. Seshagiri Rao should be borne by the Respondent, irrespective of the decision to be arrived at in this case.

We accordingly direct that the records including all the exhibits be sent back to the learned District Judge, with a direction that the evidence of Mr. D. Seshagiri Rao should be completed within two months from this date and the records resubmitted with that evidence. The Respondent should take all necessary steps for the production of the witness before the lower Court and for the completion of his

examination

examination within the period fixed above.

Sd/- K. Shankaranarayana Rao,

Prg. Chief Justice

Sd/- T. Singaravelu Mudaliar,

J u d g e.

'C O P Y"

GOVERNMENT ADVOCATE.

1668/37 (25)

Office of the Public Prosecutor,
Mysore Division, Mysore.

Dated 11.9. 1937.

From

The Public Prosecutor,
Mysore Division,
MYSORE.

To

The General Secretary to the Government of H.H. The Maharaja of Mysore, Law Section,
Bangalore.

GENERAL SECRETARY.
13 SEP. 1937
No.

Subject:— C. No 8/30-31; R.A 45/35-36 (M. Krishna clerk to Chief Secretary) on the file of High Court — remanded for the examination of a witness before the District Judge Mysore.

Sir,

I have the honour to state that the above noted suit came on for hearing today. Mr. D. Shekajiri Rao Principal Police Training School, Bangalore is the witness to be examined on remand. But Mr. Shekajiri Rao pleaded inability to come on account of short notice. He has written to say that his examination may be deferred till November next. The court has, however, fixed Saturday the 2nd October for the commencement of his examination. Process will be taken through the Inspector General of Police for the attendance of the witness on 2.10.1937.

I have the honour to be
Sir,
Your most obedient servant

M Ramaswamy
Public Prosecutor

No. 342
Encs.

Office of the Public Prosecutor,
Mysore Division, Mysore.

Dated 17th Septr. 1937

From

The Public Prosecutor,
Mysore Division,
MYSORE.

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

GENERAL SECRETARY.
20 SEP. 1937

Subject:— O.S.No.8/30-31; R.A.45/35-36 (M.Krishnachar Vs Government of Mysore) on the file of the District Judge, Mysore.

Sir,

I have the honour to state that Mr.D.Seshagiri Rao Principal, Police Training School, Bangalore, has to be summoned to appear on 2-10-1937 and succeeding days to give evidence in the above-noted suit. There are no funds in this office to deposit batta required to be deposited for securing the attendance of the witness. It is therefore requested that a sum of Rs.20-0-0 may be directed to be sent to this office as early as possible.

I have the honour to be,
S i r,
Your most obedient servant,

T.Ramarao

Public Prosecutor,
Mysore Division.

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Read:-

Government Order No.P.782-85 Law.71-30-9 dated the 3rd August 1932, sanctioning a sum of Rs.40/- for summoning witnesses on behalf of Government in O.C.No. 8/30-31 on the file of the District Judge, Mysore (M.Krishnachar -VS-Government), the charge being debited to contingencies under Land Revenue - 2 District Administration, General Establishment.

2. Government Order No.P.4145-48 Law.71-30-11 dated 5th/6th March 1934, sanctioning the action taken by the Deputy Commissioner, Mysore District, in advancing a sum of Rs.50/- from the contingent grant of his office, to the Public Prosecutor, Mysore Division, for depositing the same in Court towards batta and allowances to official witnesses in the case referred to in the Government Order read above.

3. Letter No.342, dated the 17th September 1937, from the Public Prosecutor, Mysore Division, stating that Mr.B.Seshagiri Rao, Principal, Police Training School, Bangalore, has to be summoned to appear on 2nd October 1937 and the succeeding days to give evidence in O.C.8/30-31 on the file of the District Judge, Mysore, (C.A.45/35-36 on the file of the High Court of Mysore) (M.Krishnachar -VS-Government), and requesting that a sum of Rs.20/- may be directed to be sent to his office in order to deposit batta required to be deposited for securing the attendance of the witness.

ORDER NO. P 1650-3 Law 230-35-5

Dated, Bangalore, the 21st September 1937.

The Comptroller is requested to place immediately at the disposal of the Public Prosecutor, Mysore Division, a sum of Rs.20/- only.

The Deputy Commissioner, Mysore, will indicate direct to the Comptroller the source from which the expenditure has to be met.

B.Ramakrishnaiya

For General Secretary to Government.

To-The Public Prosecutor, Mysore.
* Comptroller to Government.
* Deputy Commissioner, Mysore District.
* Revenue Commissioner in Mysore, Bangalore.

M.M.D.R.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue.....21.9.....1937

Signed by ..... BKR

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Section Laws

File No. 230 - 35

Serial No. 5

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read (1) G. O. no P. 782 - 85 Laws 71 - 30 - 9 dated 3rd Aug 932 Sanctioning a sum of Rs 40/= for Summoning witnesses on behalf of Govt in O. S. No 8/30 - 31 on the file of the Dist Judge Mysore (M. Krishnacha~~r~~ Order thereon. No. 75 Govt), the charge being debited to Contingencies under Land Revenue - 2 District Administration, General Establishment.

(2) G. O. no P. 4145 - 48 Laws 71 - 30 - 11, dated 5th March 1934, Sanctioning

the action taken by the Deputy
omm: Mysore District, in
advancing a sum of Rs 50/
rom the Contingent grant of his
ice, to the Public Prosecutor
Mysore Division, for deposit in
t Same in Court towards
batta and allowances to
Official witnesses in the
se referred to in the
O read above.

(3) Letter o 342, dated
t Sessns '37 from the P. Pr.,
pore Dn., stating that Mr.
Seshagiri Rao, Principal,
lice Training School, Bangalore
to be summoned to
appear on 2-10-37 and the
succeeding days to give evidence
in O. S. 8/30-31 on the
file of the Dist Judge, Mysore
R: A. 45/35-36 on the file of
the High Court of Mysore)

List of Enclosu

Copied by

Examined by

WD 03602—GPB—22,500—12-7-35

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

—(M. Krishnachar to Govt
and requesting that a Sum
of Rs 20/= may be directe
to be sent to his office
in order to deposit batta
required to be deposited
for securing the attendan
of the witness.

Order P1650—3

The Comptroller is requ
to place immediately at
the disposal of the P. Pr
Mysore Dn., a sum of
Rs 20/= only

The Dc Mysore will
indicate direct to the
Compt. the Source from
which the expenditure has
to be met

BMR
21.9.37

Gen: Secy

(1) The P. Pr Mysore.
(2) The Compt. to Govt
(3) The Dc Mysore
(4) The Revl Commr.

WD 0186—GRR—15,000—6 9-34